

Remarks/Arguments

The present amendment is made in response to the Office Action dated August 11, 2005, and identified as Paper No. 20050809. Claims 1-10 remain pending in the application.

In the Action, the Examiner rejected claim 1 under 35 U.S.C. § 112, second paragraph as indefinite for lacking an antecedent basis for “said conveyor belt.” The Examiner rejected claims 1, 3, and 5-7 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,947,391 to Beck et al. (“*Beck*”). Claim 2 was rejected under 35 U.S.C. § 103(a) as obvious over *Beck* in view of U.S. Patent No. 6,517,281 to Rissi (“*Rissi*”). Claim 4 was rejected under 35 U.S.C. § 103(a) as obvious over Beck in view of U.S. Patent No. 4,662,511 to Greener (“*Greener*”). Claims 8-10 were rejected under 35 U.S.C. § 103(a) as obvious over *Beck* in view of *Rissi*.

I. Rejections under 35 U.S.C. § 112, ¶ 2

Applicant has amended claim 1 to delete the reference to “belt,” thereby correcting the antecedent basis problem so that the “said conveyor” of line 6 now refers to the conveyor previously recited in line 4.

II. Rejections of Claims 1, 3, and 5-7 in view of *Beck*

The rejections of claims 1, 3, and 5-7 as anticipated by *Beck* as improper because *Beck* does not in fact disclose each and every element of the claimed invention as required for a proper rejection under 35 U.S.C. § 102. MPEP § 2131 (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference”)(citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)). In particular, *Beck* does not disclose a spreading system having separate electric motors connected to the conveyor and spreader. *Beck* instead

discloses **hydraulic** motors interconnected to the conveyor and spreader, rather than the claimed **electric** motors of the present invention.

According to the Examiner, *Beck* discloses a first electric motor (44) connected to a conveyor (40) by a high efficiency drive system and a second electric motor (92) connected to the spreader (80). *Beck* actually discloses a conventional conveyor and spreader system that is hydraulically driven. For example, *Beck* discloses that “[c]onveyor motor 44 is a **hydraulically driven motor** and includes two fluid lines 46 for supplying **hydraulic fluid** to drive the conveyor motor 44.” *Beck*, col. 8, lines 63-65 (emphasis added). With regard to the second motor, *Beck* discloses “a positive displacement type **hydraulic** motor 92” and that “[d]isk motor 92 includes motor fluid lines 94 which supply **hydraulic fluid** for driving the motor which rotates disk 82.” *Beck*, col. 9, lines 65-66 and col. 10, lines 4-5 (emphasis added). *Beck* therefore does not disclose at least two of the affirmative claim limitations of the present invention, namely, the separate electric motors for driving the conveyor and spreader. Thus, the rejection of claims 1, 3 and 5-7 as anticipated by *Beck* is not proper.

III. Rejection of Claim 2 in view of *Beck* and *Rissi*

As explained above, *Beck* does not disclose each and every limitation recited in independent claim 1. As a result, the rejection of claim 2 in view of *Beck* and *Rissi* is also improper.

Regardless, the Examiner stated with respect to the rejection of claim 2 that *Rissi* discloses a high-efficiency conveyor drive system that translates 90 to 95 percent of power received by the motor, as affirmatively recited in the claims. *Rissi* merely discloses a variable speed spreader system and does not address or otherwise disclose the efficiency of the conveyor drive system. Accordingly, the proposed combination does not disclose the limitation calling for

a high-efficiency conveyor drive system that translates 90 to 95 percent of power received by the motor. Thus, even if the rejection of claim 1 in view of *Beck* was proper, the rejection of claim 2 as obvious over *Beck* and *Rissi* thus cannot stand as the proposed combination fails to disclose every claimed limitation. MPEP § 2143.03 (“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art”)(citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)).

In addition to the failure of the proposed combination of *Beck* and *Rissi* to disclose every limitation of the claimed invention, the Examiner failed to identify a proper motivation or suggestion for making the proposed combination. MPEP § 2143.01. According to the Examiner, one of ordinary skill would be motivated to make the combination because *Rissi* teaches using the motor to control the speed of the conveyor. *Rissi* does not actually disclose using the motor to control conveyor speed, and instead relies on longitudinal movement of the spreader disk to control flow rate rather than conveyor speed. *Rissi*, col. 2, lines 49-56. Thus, there is no motivation or suggestion for the combination proposed by the Examiner, and the rejection should be withdrawn.

IV. Rejection of Claims 4 in view of *Beck* and *Greener*

With regard to the rejection of claim 4, the Examiner stated that *Greener* discloses a speed retarder and that, in light of that disclosure, it would have been obvious to one of ordinary skill in the art to use a cycloid disc speed reducer. The “speed retarder” of *Greener* relied on by the Examiner is actually just a ***chain tensioner*** that takes up slack in the pallet track. *Greener*, col. 3, lines 65-68 (“will be retarded to control the speed of movement of the pallets 12 and thus maintain the upper flight of the conveyor chains 26 in tension . . .”). The claimed “speed reducer” of the present invention is a ***drive speed reduction device*** that adjusts the rotational

speed of the conveyor relative to the rotational speed of the motor. Thus, *Greener* does not in fact disclose the claimed "speed reducer" and the rejection of claim 4 is improper as failing to include all of the elements of the claimed invention.

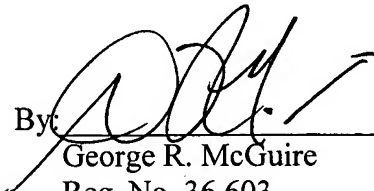
V. Rejections of Claims 8-10 in view of *Beck* and *Rissi*

As explained above, *Beck* and *Rissi* do not in fact disclose the separate electric motors or the high efficiency drive system of the claimed invention. As a result, the rejection of claims 8-10 is improper.

In view of the foregoing amendments, the Examiner's consideration is requested and allowance of the present application is believed to be in order. If the Examiner believes a phone conference with Applicant's attorney would expedite prosecution of this application, please contact the undersigned at (315) 218-8515.

Respectfully submitted,

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